

“Memorandum”), recommending that the Court grant the Plaintiff’s Motion to Dismiss the Defendant’s Counterclaim. [Doc. 13 at 9]. On September 11, 2024, the Defendant filed an Objection to the Memorandum [Doc. 14], and on September 25, 2024, the Plaintiff filed a Response to the Defendant’s Objection [Doc. 15].

After careful review of the Magistrate Judge’s Memorandum, the Court finds that the challenged conclusion of law is consistent with current North Carolina case law. Accordingly, the Court accepts the Magistrate Judge’s recommendation to grant the Plaintiff’s Motion to Dismiss the Defendant’s Counterclaim.

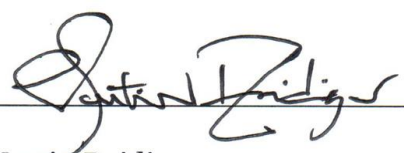
IT IS, THEREFORE, ORDERED that the Defendant’s Objection to the Memorandum and Recommendation [Doc. 14] is **OVERRULED**, and the Magistrate Judge’s Memorandum and Recommendation [Doc. 13] is **ACCEPTED**.

IT IS FURTHER ORDERED that the Plaintiff’s Motion to Dismiss the Defendant’s Counterclaim [Doc. 8] is **GRANTED**, and the Defendant’s Counterclaim, which appears as its nineteenth defense in its Amended Answer and Counterclaim, is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Signed: November 4, 2024

2



Martin Reidinger
Chief United States District Judge

